



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

13 April 2017

Excellency,

Please find enclosed a letter from the co-facilitators leading the intergovernmental consultations on issues related to the global compact, the intergovernmental conference as well as their preparatory process, His Excellency Mr. Juan Jose Gómez Camacho, Permanent Representative of Mexico and His Excellency Mr. Jürg Lauber, Permanent Representative of Switzerland.

The letter transmits for your information a general concept note covering the first phase of the preparatory process for the global compact for safe, orderly and regular migration as well as a procedural note for the first informal thematic session to take place on 8-9 May 2017 in Geneva.

Also enclosed is a letter from the Special Representative of the Secretary-General for international migration and the Secretary-General for the intergovernmental conference, Ms. Louise Arbour, transmitting the workplan prepared by the Secretary-General in accordance with paragraph 22 of Resolution 71/280 as well as the inter-agency issue brief for the first thematic session in accordance with paragraph 18 of the same resolution.

I trust that the general concept note and procedural note as well as the workplan and issue brief will support you in preparing for this process.

I also take this opportunity to remind Member States wishing to moderate an expert panel during the six thematic sessions to express their interest through their respective regional groups no later than 25 April 2017. I have written to the chairpersons of the regional groups for the month of April in this regard.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Peter Thomson', written in a cursive style.

Peter Thomson

All Permanent Representatives and
Permanent Observers to the United Nations
New York



PERMANENT MISSION OF MEXICO
TO THE UNITED NATIONS



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Permanent Mission of Switzerland to the United Nations

New York, 13 April 2017

Excellency,

We are pleased to write to you in our capacity as co-facilitators to lead the intergovernmental consultations and negotiations on issues related to the global compact for safe, orderly and regular migration, the intergovernmental conference, as well as their preparatory process.

We would like to take this opportunity to express our sincere appreciation to the President of the General Assembly for entrusting us with this responsibility, as well as all Member States for their efforts in reaching agreement on General Assembly resolution 71/280 on the modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration, adopted on 6 April 2017.

We further seize this opportunity to congratulate the Secretary-General's Special Representative for International Migration, Ms. Louise Arbour, on her appointment as the Secretary-General of the intergovernmental conference on international migration to be held in 2018, in accordance with General Assembly resolution 71/280.

With the adoption of the modalities resolution, Member States have requested the President of the General Assembly, with the support of the Secretary-General and by drawing on the expertise of the International Organization for Migration in particular, other members of the Global Migration Group and other relevant entities, to organize a series of informal thematic sessions on facilitating safe, orderly and regular migration that shall address, but not be limited to, the elements outlined in annex II, paragraph 8, of its resolution 71/1.

The first informal thematic session will address *"Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance"*, and will take place on 8-9 May 2017 in Geneva. We kindly invite all Member and Observer States to this meeting and are looking forward to having interesting and constructive discussions. Your engagement is key to ensuring the positive outcome of this process.

In preparation for the process in general as well as for the first informal thematic session, we have the honour to transmit to you the following:

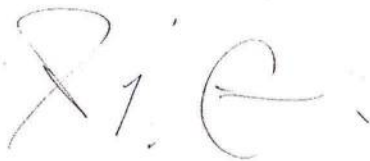
- A general concept note, which provides an overview of the main events during phase I of the preparatory process (consultations: April to November 2017), as well as guidelines for participation of representatives of non-governmental organizations, civil society organizations, academic institutions, parliaments, diasporas, migrants, migrant organizations, the private sector, national human rights institutions and other relevant stakeholders.
- A workplan developed by the Secretary-General of the intergovernmental conference as stipulated in OP 22 of the modalities resolution.

- An inter-agency issue brief drafted by the Secretary-General of the intergovernmental conference with the support of the IOM and by drawing upon the expertise of the Global Migration Group and other relevant entities.
- A procedural note for the first informal thematic session, to take place on 8-9 May 2017 in Geneva, which provides information regarding the format and tentative agenda of the two-day meeting.

In order to give Member States an overview of the preparatory process in general as well as on the immediate steps ahead, and to allow Member States to prepare their participation in and contributions to the first informal thematic session, Member States will be invited to an informal briefing ahead of this session. Formal invitations will follow in due course.

As we begin the first phase of this important process, we want to reaffirm our steadfast commitment to conducting open, transparent and inclusive consultations with all Member States, and in this regard remain available to assist you throughout this process.

Please accept, Excellency, the assurances of our highest consideration.



Juan José Gómez Camacho
Ambassador and Permanent Representative
of Mexico to the United Nations



Jürg Lauber
Ambassador and Permanent Representative
of Switzerland to the United Nations

**Permanent Missions
to the United Nations
NEW YORK**

General concept note

Global compact for safe, orderly and regular migration Phase I - consultations (April to November 2017)

1. Introduction

At the high-level meeting to address large movements of refugees and migrants, held on 19 September 2017, the General Assembly adopted by consensus the New York Declaration for Refugees and Migrants ([A/RES/71/1](#)). In the Declaration, Member States committed to develop a global compact for safe, orderly and regular migration, to be adopted at an intergovernmental conference on international migration to be held in 2018.

In accordance with the resolution on the modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration (A/RES/71/280), adopted 6 April 2017, the preparatory process leading to the adoption of the global compact includes three phases: (I) consultations (April to November 2017), (II) stocktaking (November 2017 to January 2018) and (III) intergovernmental negotiations (February to July 2018). This note provides an overview of the main preparatory events during phase I.

The President of the General Assembly has appointed His Excellency Mr. Juan Jose Gómez Camacho, Ambassador and Permanent Representative of Mexico to the United Nations and His Excellency Mr. Jürg Lauber, Ambassador and Permanent Representative of Switzerland to the United Nations, as co-facilitators for the preparatory process leading to the adoption of the global compact for migration in 2018.

The Secretary-General has appointed Ms. Louise Arbour, the Special Representative of the Secretary-General for International Migration, as Secretary-General of the intergovernmental conference on international migration in 2018.

2. Informal thematic sessions

The President of the General Assembly, with the support of the Secretary-General and by drawing upon the expertise of the International Organization for Migration (IOM) in particular, other members of the Global Migration Group (GMG) and other relevant entities, will organize six informal thematic sessions on facilitating safe, orderly and regular migration.¹ These meetings will address, but not be limited to, the 24 elements outlined in annex II, paragraph 8, of the New York Declaration for Refugees and Migrants. The six informal thematic sessions, co-chaired by the co-facilitators, will each last for two days, from 10:00 am to 1:00 pm and from 3:00 pm to 6:00 pm.

(a) Format

Each meeting will be structured in a manner that would optimize the engagement of the Member States on issues under consultation. Each meeting will include expert panels, to be followed by interactive discussions. Each expert panel will be moderated by a Member State, to be appointed by the President of the General Assembly in consultation with regional groups. Selection of panel members will take into account situations in countries of origin, transit and destination, as well as geographical and gender balance. Member States should prepare to engage interactively with the panellists by asking questions and presenting reactions to the issues discussed.

¹ See Annex I for the themes of each of the six thematic meetings

(b) Participation

The meetings will be open to participation by all States Members of the United Nations and members of specialized agencies that have observer status with the General Assembly. The General Assembly has invited intergovernmental organizations and other entities having received a standing invitation to participate as observers in the work of the General Assembly and organizations and bodies of the United Nations as well as registered national human rights institutions compliant with the Paris Principles. Also invited are registered non-governmental organizations in consultative status with the Economic and Social Council and accredited representatives of relevant non-governmental organizations, civil society organizations, academic institutions, the private sector, diaspora communities and migrant organizations.² Please see Annex I to this concept note for details on the stakeholder participation.

(c) Procedural notes

For each meeting a procedural note will be circulated by the President of the General Assembly approximately three to four weeks in advance of the respective informal thematic session outlining the programme and the organization of work.

(d) Issue briefs

The Secretary-General of the Conference will lead the preparation of inter-agency issues briefs on behalf of the Secretary-General, supported by the International Organization for Migration and by drawing upon the expertise of the Global Migration Group and other relevant entities. The issue briefs will provide an overview of the contemporary realities of migration and covering issues such as migration trends, drivers, impacts and governance. The briefs will be evidence-based and forward looking and will identify policy, operational and systemic challenges and barriers and practical recommendations for actionable proposals on the way ahead. The issue briefs will be made available to Member States approximately four weeks in advance of each informal thematic session.

(e) Contributions of Member States and other stakeholders

Member States and other stakeholders are invited to provide concrete recommendations for the global compact. In preparing inputs, Member States and other stakeholders may wish to draw inspiration from the list of possible elements for the global compact, as contained in paragraph 8 of Annex II to the resolution 71/1. Inputs received will be made available on the dedicated website (<http://refugeesmigrants.un.org/>).

(f) Voluntary Trust Fund contributions

In accordance with OP 31 of A/RES/71/280, a voluntary trust fund has been established for the intergovernmental conference and its preparatory process, primarily to support the travel and participation of representatives from developing countries, in particular the least developed countries, and encourages Member States and other potential donors to consider contributing to the trust fund. Contributions to the voluntary trust fund may be accepted from Member States, regional legislative bodies, inter-governmental organizations, and philanthropic organizations. In order to contribute to the Fund, the Standard Administrative Arrangement with the UN Multi-Partner Trust Fund (MPTF) Office needs to be signed. Contributors are encouraged to provide un-earmarked contributions. If due to specific donor preferences the un-earmarked contributions are not feasible, donors may earmark their contributions to a specific objective of the Fund. Please contact : Amy Muedin, Office of the SRSG (amy.muedin@un.org) or Griet Cattaert,

² For details on the accreditation process, see <https://fs22.formsite.com/unngls/form35/index.html>

Office of the SRSG (griet.cattaert@un.org) and Olga Aleshina, MPTF Office (olga.aleshina@undp.org)

3. Background information

Member States and relevant stakeholders are invited to provide summaries and concrete recommendations derived from relevant processes, mechanisms and initiatives to the informal thematic sessions. The expertise of the United Nations system as a whole, including specialized agencies, funds and programmes, related organizations, regional economic commissions and as well as all relevant special procedures mandate holders and treaty bodies will contribute to the preparations. Background notes on best practices and concrete policies with regard to facilitating safe, orderly and regular migration will be made available on the dedicated website (<http://refugeesmigrants.un.org/>)

4. Roles

(a) Role of panellists

Panellists will be selected due to their personal expertise on the relevant subject matter. As such, they can complement information on the issue brief and raise other issues not necessarily included in the issue brief. They can provide examples of good practices and can present their own recommendations to Member States for discussion and eventual consideration. They are asked to make informal and provocative interventions.

(b) Role of the moderator

The moderator must ensure that the panels are, in fact, interactive. This may include posing questions to Member States, allowing time for replies, encouraging the panellists to discuss particular areas that merit greater dialogue etc. In addition to the moderating functions, the person would be expected to assist the co-facilitators and the Secretariat in the development of the summary of the thematic session. The moderator would be invited to share his or her impressions with the Member States at the conclusion of the panel. In a summary panel, he or she is expected to participate to reflect on the discussions moderated.

(c) Role of the Member States

Member States are invited to bring their national perspectives and realities to the informal thematic sessions and be prepared to engage. Member States are also invited to listen carefully to the views expressed by others and share their reactions. Delegations should prepare for a dialogue with the panellists and ask questions to each other as well as to the panellists. Member States will have the possibility to submit their written position papers online, but should not read them at the session. Rather, the interventions made should contribute to the discussion by reacting in real time to the comments made and questions posed.

(d) Role of the co-facilitators

The co-facilitators officially chair the informal thematic sessions and have the political responsibility towards the President of the General Assembly to ensure that Member States' contribution is heard. They will work with the Secretary-General of the Conference and the moderators of the panel to deliver a timely summary of each informal thematic session. It is envisioned that they will speak at the beginning and the end of each session, and may also have a role in moderating any discussion among Member States, particularly in the summary panel.

5. Contributions by the United Nations Regional Commissions

The Regional Commissions will provide inputs for the preparatory process by organizing discussions to examine regional and sub-regional aspects of international migration.

6. Contributions by other relevant processes, mechanisms and initiatives

(a) Global Forum on Migration and Development

In 2017, the Global Forum on Migration and Development (GFMD), co-chaired by Germany and Morocco, will convene under the overall theme “Towards a Global Social Contract on Migration and Development”.³ Roundtable discussions will be guided by the six themes of the informal thematic sessions in order to maximize the forum's contribution to the global compact.

(b) International Dialogue on Migration

The International Dialogue on Migration (IDM) is IOM's principal forum for migration policy dialogue.⁴ This year's two IDM will be dedicated to supporting the development of the global compact. The first IDM workshop, to be held in New York in April 2017, will discuss international cooperation and governance of migration with a view to identifying elements, models and commitments for the global compact. The second workshop, to be held in Geneva in July 2017, will explore policy perspectives and practical aspects regarding the protection and assistance of migrants in vulnerable situations.

(c) Regional consultative processes on migration

During the period April to November 2017, several events are planned to be held in the context of regional consultative processes on migration with a view to contributing to the global compact on migration. These events will culminate in a global meeting of chairs and secretariats of regional consultative processes on migration, to be held in Geneva in October 2017.

These and other relevant meetings are outlined in the workplan to be presented to Member States.

7. Informal interactive multi-stakeholder hearings

During April to November 2017, the President of the General Assembly will organize two informal interactive multi-stakeholder hearings with representatives of non-governmental organizations, civil society organizations, academic institutions, parliaments, diasporas, migrants, migrant organizations and the private sector. National human rights institutions compliant with the Paris Principles are also invited to attend these hearings. Additional multi-stakeholder hearings will be organized in phases II and III of the preparatory process. A summary of the hearings will serve as an input for the intergovernmental negotiations on the global compact.

8. Dedicated website

Member States are advised to regularly check the website <http://refugeesmigrants.un.org/> for the latest information pertaining to preparations of the global compact for migration and follow-up to the New York Declaration for Refugees and Migrants.

³ <https://gfmd.org/germany-morocco-gfmd-2017-2018>

⁴ <https://www.iom.int/idm-2017-global-compact-migration>

Main preparatory events for the global compact for safe, orderly and regular migration

EVENT	LOCATION	DATES*
Informal thematic sessions		
Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance	United Nations Office, Geneva	8-9 May 2017
Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution	United Nations Headquarters, New York	22-23 May 2017
International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration	United Nations Office, Geneva	19-20 June 2017
Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits	United Nations Headquarters, New York	24-25 July 2017
Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims	United Nations Office, Vienna	4-5 September 2017
Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures	United Nations Office, Geneva	2-3 October 2017
United Nations Regional Commissions		
Regional preparatory meeting, organized by the Economic Commission for Latin America and the Caribbean (ECLAC)	Santiago	August 2017
Regional preparatory meeting, organized by the Economic and Social Commission for Western Asia (ESCWA)	Beirut	26-28 September 2017
Regional preparatory meeting, organized by the Economic Commission for Africa (ECA)	Addis Ababa	19-20 October 2017
Regional preparatory meeting, organized by the Economic and Social Commission for Asia and the Pacific (ESCAP)	Bangkok	6-8 November 2017
Informal interactive multi-stakeholder hearings		
Informal interactive multi-stakeholder hearing (full day)	New York	26 July 2017
Informal interactive multi-stakeholder hearing (full day)	Geneva	4 October 2017 TBC
Informal interactive multi-stakeholder hearing (half day)	New York	18 December 2017
Informal interactive multi-stakeholder hearing (half day)	New York	Mid-February 2018 TBA
Informal interactive multi-stakeholder hearing (half day)	New York	April 2018 TBA
Informal interactive multi-stakeholder hearing (half day)	New York	June/July 2018 TBA

For other relevant meetings, processes, mechanisms and initiatives please consult the workplan developed by the Secretary-General

(*) Subject to change

Annex I

Guidelines for participation of representatives of non-governmental organizations, civil society organizations, academic institutions, parliaments, diasporas, migrants, migrant organizations, the private sector, National Human Rights Institutions and other relevant stakeholders

1. Introduction

At the high-level meeting to address large movements of refugees and migrants, held on 19 September 2017, the General Assembly adopted by consensus the New York Declaration for Refugees and Migrants ([A/71/1](#)). In the Declaration, Member States committed to develop a global compact for safe, orderly and regular migration, to be adopted at an intergovernmental conference on international migration to be held in 2018.

In accordance with the resolution on the modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration (A/RES/71/280), adopted by the General Assembly on 6 April 2017, the preparatory process leading to the adoption of the global compact includes three phases: (a) consultations (April to November 2017), stocktaking (November 2017 to January 2018) and (c) intergovernmental negotiations (February to July 2018).

This note focuses on the participation of non-governmental organizations, civil society organizations, academic institutions, parliaments, diaspora communities, migrants, migrant organizations, the private sector, and national human rights institutions (collectively referred to throughout this document as “multiple stakeholders”) during the preparatory process of the negotiations for the global compact.

2. Accreditation and registration for the preparatory process

At the request of the Office of the President of the General Assembly (OPGA), the United Nations Non-Governmental Liaison Service (UN/NGLS), the Department of Economic and Social Affairs (UN/DESA), United Nations University (UNU) and the United Nations Global Compact, with the support of the International Organization for Migration (IOM), have started a process to facilitate the participation of the multiple stakeholders in the informal interactive multi-stakeholder hearings and the six informal thematic sessions.

(a) Non-governmental organizations in consultative status with ECOSOC

Relevant non-governmental organizations that are in consultative status with the Economic and Social Council (ECOSOC) wishing to participate are invited to register with the United Nations Secretariat for each of the meetings using the joint registration platform. Please see “Informal thematic sessions” and “Informal interactive multi-stakeholder hearings” below.

(b) Special accreditation for entities not in consultative status with ECOSOC

Relevant non-governmental organizations, civil society organizations, diaspora organizations, migrant organizations, academic institutions, and private sector entities that are not in consultative status with ECOSOC wishing to participate are invited to apply for special accreditation using the following website (<http://bit.ly/GCM-Prep-Process-Special-Accreditation-Apply>). The list of applicants seeking special accreditation will be circulated to Member States on a non-objection basis. The deadline to apply for special accreditation is Monday, 17 April 2017.

(d) National human rights institutions

National human rights institutions compliant with the Paris Principles are invited to register with the United Nations Secretariat for each of the meetings using the joint registration platform. Please see “Informal thematic sessions” and “Informal interactive multi-stakeholder hearings” below.

(e) Representatives of parliaments

Members of parliament may participate in the preparatory process as part of their national delegations. In addition, a small parliamentary delegation may attend through the Inter-Parliamentary Union, a Permanent Observer to the United Nations. Separate registration will not be necessary.

3. Informal interactive multi-stakeholder hearings

The President of the General Assembly will organize four days of informal interactive multi-stakeholder hearings, between April 2017 and June 2018, with representatives of multiple stakeholders. Member States are encouraged to participate in these multi-stakeholder hearings.

A summary of the hearings, to be prepared by the President of the General Assembly, will be made available as an input for the intergovernmental negotiations on the global compact.

A stakeholder steering committee, comprised of representatives from multiple stakeholders, will support the preparations of the informal hearings by (a) recommending speakers, (b) providing inputs to the programme, and (c) contributing to the summary of the hearings.

All representatives of stakeholders wishing to attend the multi-stakeholder hearings are invited to register for each hearing separately. Registration will be opened several weeks prior to each hearing. At the time of registration, persons will have the opportunity to express their interest in a speaking role as part of the programme. The Office of the President of the General Assembly will determine the final list of speakers included in the hearing based on advice from the stakeholder steering committee.

4. Informal thematic sessions

The President of the General Assembly will hold six informal thematic sessions on facilitating safe, orderly and regular migration.¹ These meetings will address, but not be limited to, the 24 elements outlined in annex II, paragraph 8, of the New York Declaration for Refugees and Migrants.

The General Assembly has invited relevant non-governmental organizations in consultative status with the Economic and Social Council as well as relevant accredited representatives of the multiple stakeholders to participate in the meetings.

All representatives of relevant multiple stakeholders wishing to attend the informal thematic sessions are invited to register for each meeting separately. Registration will be opened several weeks prior to each of the meetings. At the time of registration, persons will have the opportunity to express their interest in a speaking role. Speaking opportunities, if any, will be determined in light of the overall programme of each thematic session. Where speaking opportunities exist, recommendations on the selection of speakers may be sought from the stakeholder steering committee.

¹ See table of main preparatory events for the themes of each of the six thematic meetings

5. Informal dialogues organized by the co-facilitators

The co-facilitators for the intergovernmental negotiations will invite relevant stakeholders, including civil society, scientific and knowledge-based institutions, parliaments, local authorities, the private sector and migrants themselves to contribute views on the global compact, in particular by holding informal dialogues. When possible, such dialogues will be held at the margins of the informal thematic sessions.

6. Stakeholder steering committee

The UN will establish a steering committee comprised of representatives from the multiple stakeholders to support broad and inclusive participation in the informal interactive multi-stakeholder hearings and the informal thematic meetings.

The members of the steering committee will be selected on the basis of expertise and diversity of constituencies, with due regard for geographical, gender and age balance. Members of the committee will not be considered for speaking roles on the programmes of the informal interactive multi-stakeholder hearings.

A call for membership for the steering committee will be launched in April 2017.

7. Dedicated website

All stakeholders are invited to regularly check the website portal <http://refugeesmigrants.un.org/> for the latest information pertaining to the follow-up to the New York Declaration for Refugees and Migrants and the preparations of the global compact.

Main preparatory events for the global compact for safe, orderly and regular migration

EVENT	LOCATION	DATES*
Informal thematic sessions		
Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance	United Nations Office, Geneva	8-9 May 2017
Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution	United Nations Headquarters, New York	22-23 May 2017
International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration	United Nations Office, Geneva	19-20 June 2017
Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits	United Nations Headquarters, New York	24-25 July 2017
Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims	United Nations Office, Vienna	4-5 September 2017
Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures	United Nations Office, Geneva	2-3 October 2017
United Nations Regional Commissions		
Regional preparatory meeting, organized by the Economic Commission for Latin America and the Caribbean (ECLAC)	Santiago	August 2017
Regional preparatory meeting, organized by the Economic and Social Commission for Western Asia (ESCWA)	Beirut	26-28 September 2017
Regional preparatory meeting, organized by the Economic Commission for Africa (ECA)	Addis Ababa	19-20 October 2017
Regional preparatory meeting, organized by the Economic and Social Commission for Asia and the Pacific (ESCAP)	Bangkok	6-8 November 2017
Informal interactive multi-stakeholder hearings		
Informal interactive multi-stakeholder hearing (full day)	New York	26 July 2017
Informal interactive multi-stakeholder hearing (full day)	Geneva	4 October 2017 TBC
Informal interactive multi-stakeholder hearing (half day)	New York	18 December 2017
Informal interactive multi-stakeholder hearing (half day)	New York	Mid-February 2018 TBA
Informal interactive multi-stakeholder hearing (half day)	New York	April 2018 TBA
Informal interactive multi-stakeholder hearing (half day)	New York	June/July 2018 TBA

For other relevant meetings, processes, mechanisms and initiatives please consult the workplan developed by the Secretary-General

(*) Subject to change

Global compact for safe, orderly and regular migration

Procedural Note for the First Informal Thematic Session:

"Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance"

**Geneva, 8-9 May 2017
Palais des Nations, Room XIX**

I. Introduction

In resolution A/RES/71/280 entitled "Modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration", the General Assembly requested the President of the General Assembly, with the support of the Secretary-General and by drawing on the expertise of the International Organization for Migration in particular, other members of the Global Migration Group and other relevant entities, to organize a series of informal thematic sessions on facilitating safe, orderly and regular migration that shall address, but not be limited to, the elements outlined in annex II, paragraph 8, of its resolution A/RES/71/1.

The first informal thematic session will address human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance.

II. Format

The informal thematic session will be held over the course of two days from 10:00 am to 1:00 pm and from 3:00pm to 6:00pm and will be co-chaired by the co-facilitators. The session will include brief welcoming remarks, the presentation of the issue brief, three expert panels, a summary panel discussion, and closing remarks.

a. Welcoming remarks

The co-facilitators will make welcoming remarks presenting the informal thematic session (ten minutes).

b. Presentation of the issue brief

The Secretary-General of the intergovernmental conference will present the inter-agency issue brief for the informal thematic session.

c. Expert panels

Each expert panel will be moderated by a Member State, to be appointed by the President of the General Assembly in accordance with paragraph 17 of resolution A/RES/71/280. The moderator will open and close each expert panel and ensure the interactive nature of the discussions. The opening remarks from the moderator will be of 7 minutes.

There will be three experts on each panel. Each expert will make a brief introductory presentation on the theme (five to seven minutes each). Panellists will be asked to briefly frame the issues to be discussed in their panel session, and to include in their remarks relevant facts and figures related to the scope of the issues to be discussed, highlight gaps in policy and implementation, and identify priorities for action.

The presentations of the panellists will be followed by an interactive discussion led by the moderator. During the discussions, delegations may ask questions and provide comments to the panellists or provide

brief observations on the theme. The limit for interventions from the floor is three minutes. There will not be a pre-inscribed speaker's list.

The interactive discussion will include alternating segments between Member States and panellists. Other accredited stakeholders may participate in accordance with resolution A/RES/71/280.

On taking the floor, all participants are encouraged to reflect on effective national, regional and international policies, key policy priorities, data collection and disaggregation (by age, sex and migratory status) as well as capacities for implementation. Participants are encouraged to provide examples of good practices and multi-stakeholder partnerships and to present actions and commitments to inform the global compact for safe, orderly and regular migration.

The moderator will provide concluding remarks at the end of each panel (7 minutes), summarizing the main points discussed, any conclusions, and issues of major relevance to the interactive discussion.

The precise structure of each expert panel is outlined in the attached agenda.

d. Summary panel

At the conclusion of the three expert panels, a summary panel composed of the three moderators and a thematic expert will be co-chaired by the co-facilitators. The moderators of each panel will provide their perspectives of the various views expressed during their panel discussions (fifteen minutes each). The thematic expert will then provide remarks about the interlinkages and overarching themes between the panels, as well as offer ideas for further discussion, potential commitments to consider and options for ways forward (fifteen minutes). The co-facilitators will then open the floor to reactions and comments from Member States, who may in turn also ask questions and bring forward recommendations regarding the substantive topic of the informal thematic session.

e. Closing

At the conclusion of the summary panel, the co-facilitators will outline their main conclusions of the informal thematic session.

f. Side events

Side events may be organized during the lunch break (1:15pm to 2:45pm) or preceding or following the plenary sessions. Organizers of side events are responsible for making their own arrangements but are encouraged to coordinate their plans with the Office of the President of the General Assembly.

ANNEX I: Agenda

Day 1

Time	Concept
10:00 – 10:15	Opening Segment: Welcoming remarks by the co-facilitators Remarks by the Secretary-General of the intergovernmental conference
10:15 – 13:00	PANEL 1: Human rights of all migrants This panel would address issues relating to the human rights of all migrants with a focus on practical implementation of international norms, as well as identifying and analysing specific challenges at all stages of migration, including the needs of migrants in vulnerable situations.
13:00 – 15:00	Lunch
15:00 – 17:55	PANEL 2: Social inclusion and cohesion This panel will explore ways and means to promote social cohesion in destination societies. The panel would focus in particular on the promotion and protection of economic, social, political and cultural rights, including in respect of health, education, and adequate standard of living.
17:50 – 18:00	Closing remarks by the Co-facilitators

Day 2

Time	Concept
10:00 – 10:05	Welcoming remarks by the co-facilitators
10:05 – 13:00	PANEL 3: All forms of discrimination, including racism, xenophobia and intolerance This panel would examine ways to confront discrimination, racism, xenophobia and other forms of intolerance against migrants, including through national law that protects their rights, ensures equal access to justice, and through public discourse that supports a positive attitude towards migrants.
13:00 – 15:00	Lunch
15:00 – 17:30	SUMMARY PANEL: Synopsis of the main conclusions and outcomes <ul style="list-style-type: none"> ▪ Moderators present the key recommendations resulting from their panels ▪ Thematic expert having followed both days provides a short overview of the main discussions ▪ Interactive exchange between, the moderators, the thematic expert and Member States on the outcomes of the session
17:30 – 17:50	Co-facilitators draw the main conclusions on the interlinkages and the overarching theme of the session
17:50- 18:00	Closing remarks by the Co-facilitators



13 April 2017

Dear Mr. President,

Further to General Assembly Resolution A/RES/71/280, please find attached the workplan as called for in OP22, which highlights relevant processes, mechanisms and initiatives in the field of migration. My office will periodically update this workplan which will also be available on the website: <http://refugeesmigrants.un.org/migration-compact>.

Please also find attached, as per OP18 of A/RES/71/280, the inter-agency issue brief for the first thematic session on *Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance*. This issue brief will also be available on the afore-mentioned website.

I would be grateful if this letter, the workplan and issue brief could be shared with the Membership for their information.

Please accept, Mr. President, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Louise Arbour', is positioned above the typed name.

Louise Arbour
Special Representative of the
Secretary-General on International
Migration

His Excellency
Mr. Peter Thomson
President of the General Assembly
New York



In accordance with the resolution on the modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration (A/71/280), per OP 22, Member States have called upon “...the Secretary-General, in close consultation with IOM, to develop a work plan for Member States by March 2017 in order to make use of relevant processes, mechanisms and initiatives in the field of migration...”.

The present document is a work plan which outlines those “relevant processes, mechanisms and initiatives in the field of migration” as specifically called for in A/71/280. This work plan covers the entire preparatory process in its three phases leading to the adoption of the global compact. This work plan will be periodically updated on the dedicated website: <https://refugeesmigrants.un.org/>.

Phase I of the process covers the period from April 2017 – November 2017 and will focus on consultations. During this consultation phase, Member States will have an opportunity to provide their inputs and share views on developing a global compact for safe, orderly and regular migration. The Member States will have this opportunity through the six informal thematic meetings on facilitating safe, orderly and regular migration to be held in New York, Geneva and Vienna (OP15A, B and C) and the meetings of the UN Regional Economic Commissions (OP22a). The General Assembly will receive relevant background documents ahead of each informal thematic session (OP18). Other fora for inputs and sharing of views will include other relevant processes, mechanisms and initiatives in the field of migration, such as the regional consultative processes (OP22b), the Global Forum on Migration and Development (OP22b) and the IOM International Dialogue on Migration (OP22b). In addition, the first two of four multi-stakeholder hearings (OP30) will be held during Phase I. The consultations undertaken during Phase I will feed into the preparatory stocktaking meeting and the preparation of the Secretary-General’s report under Phase II.

Phase II of the process covers the period from November 2017 to January 2018 and will take into consideration the consultations undertaken during Phase I. The outputs/summaries of each event under Phase I will be shared with Member States for their consideration under Phase II, as they participate in the preparatory stocktaking meeting to be hosted by and held in Mexico in early December (OP23). A chair’s summary of the preparatory stocktaking meeting will be prepared by the co-facilitators (OP25). During Phase II, the Secretary-General’s report as input to the zero draft of the global compact and the intergovernmental negotiations will also be released (OP26). The preparatory stocktaking meeting and ensuing reports will help feed into the intergovernmental negotiations under Phase III.

Phase III of the process covers the period from February to July 2018 and is the final phase leading to the adoption of the global compact for safe, orderly and regular migration. Phase III will include the release of the zero draft of the global compact (OP27) ahead of the intergovernmental negotiations which will take place several days each month from February through July 2018 (OP28). This Phase will also include the last two multi-stakeholder consultations (OP30).

In order for inputs to be delivered either in Phase I or Phase II, a Member State or a group of Member States must bring them forward, either in the informal thematic sessions or at the stocktaking meeting. All Member States may make references to any inputs received, which will be made available on a dedicated website: <https://refugeesmigrants.un.org/>.

The intergovernmental conference to adopt the global compact on safe, orderly and regular migration is listed at the end of the work plan after Phase III (OP1(a)).

The modalities resolution also gives reference to the establishment of a new UN Special Representative of the Secretary General on International Migration, included to be the Secretary-General of the Conference (OP10) and to act as the focal point of the United Nations system for providing support to the state-led preparatory process and the organization of intergovernmental conference, (OPs10 and 12).

The color coding below indicates the following grouping of events:

Thematic sessions
UN Regional Economic Commissions*
Regional Consultative Processes
Multi-stakeholder consultations
Global Forum on Migration and Development
IOM International Dialogue on Migration
Preparatory stocktaking meeting; distribution of documents; negotiations

PHASE I – CONSULTATIONS			
March 2017			
2 March	Regional Consultative Process	Budapest Process Consultation Meeting “Ministerial Conference 2018 and the global compact for safe, orderly and regular migration”	Istanbul, Turkey
31 March		SRTSG work plan delivered to Member States	New York
April 2017			
5 April TBC		PGA to circulate documentation for the first thematic session and comprehensive note to the General Assembly	New York
6 April	Global Forum on Migration and Development	GFMD Dialogue on the global compact for safe, orderly and regular migration	Geneva

18-19 April	International Dialogue on Migration (IOM)	"Strengthening international cooperation on and governance of migration towards the adoption of a global compact for safe, orderly and regular migration in 2018"	New York
24-April	Regional Consultative Process	Prague Process - Capacity Building Workshop	Prague
24 April TBC		PGA to circulate documentation for the second thematic session to the General Assembly	New York
27-28 April	Regional Consultative Process	Budapest Process – 10 th Silk Routes Working Group Meeting/Final Conference of Silk Routes Partnership Project	Turkey TBC
May 2017			
2-5 May	Regional Consultative Process	Intergovernmental Consultation on Migration, Asylum and Refugees (IGC) Full Round "Preparing for Future Migration Scenarios: IGC States' Response to Large Scale Migratory Movements; update on Global Compacts, Strategic Discussions, Heads of Delegation meeting" TBC	Norway
8-9 May	First Thematic Session	Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance	Geneva
8-9 May	Regional Consultative Process	Arab Regional Consultative Process on Migration (ARCP): Third Meeting of the ARCP on Migration and Launching of the Arab Migration Report for 2017 "Irregular Migration in North Africa"	Cairo
15-17 May	Regional Consultative Process	Global compact on international migration will be discussed with the migration experts from the 54 member states at a meeting of the 3 rd Pan-African Forum on Migration organized by IOM	Kampala
16-17 May	Regional Consultative Process	Intergovernmental Consultation on Migration, Asylum and Refugees (IGC) Integration Working Group meeting: "Linguistic Integration of Adult Migrants: role of language integration, focus on language and the	Geneva

		work place, testing and other assessment techniques, educational support”	
22-25 May	Regional Consultative Process	Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime	Bali
22 May TBC		PGA to circulate documentation for the third thematic session to the General Assembly	New York
22-23 May	Second Thematic Session	Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crisis through protection and assistance sustainable development, poverty eradication, conflict prevention and resolution	New York
24 May	Global Forum on Migration and Development	Thematic Workshop on “Migration and Climate”	Rabat
29 May TBC	Regional Consultative Process	Migration Dialogue for West Africa (MIDWA): migration data working group meeting	TBC
30-31 May	Regional Consultative Process	Intergovernmental Consultation on Migration, Asylum and Refugees (IGC) Country of Origin Working Group meeting: “Selected/emerging management issues, task force on collaboration and sharing, impact of country guidance on COI production, Fast COI”	Geneva
June 2017			
19 June	Regional Consultative Process	Pacific Immigration Directors Conference (PIDC): Board Meeting	Apia
20-23 June	Regional Consultative Process	Pacific Immigration Directors Conference (PIDC): 20 th Annual PIDC	Apia
19-20 June	Third Thematic Session	International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration	Geneva

26 June TBC	Regional Consultative Process	Migration Dialogue for West Africa (MIDWA): border management working group meeting	TBC
26 June TBC		PGA to circulate documentation for the fourth thematic session to the General Assembly	New York
28-30 June	Global Forum on Migration and Development	10th GFMD Summit "Towards a Global Social Contract on Migration and Development"	Berlin
29 Jun – 1 July	Global Forum on Migration and Development	Civil Society Days	Berlin
July 2017			
11 July TBC	Regional Consultative Process	Migration Dialogue for West Africa (MIDWA): return and reintegration working group meeting	TBC
18-19 July	International Dialogue on Migration (IOM)	Protection of and assistance for migrants in vulnerable situations from a policy, cooperation and practical perspective	Geneva
24-25 July	Fourth Thematic Session	Contributions of migrants and diaspora to all dimensions of sustainable development, including remittances and portability of earned benefits	New York
26 July	Multi-stakeholder hearing (full day)		New York
Last week of July		PGA to circulate documentation for the fifth thematic session to the General Assembly	New York
July TBA	Regional Consultative Process	South America Conference on Migration (RCP) XII Intersessional	Lima
August 2017			
4 August TBC		PGA to circulate documentation for the sixth thematic session to the General Assembly	New York
30-31 August	UN Regional Economic Commission	Economic Commission for Latin America and the Caribbean (ECLAC)	Santiago
September 2017			
4-5 September	Fifth Thematic Session	Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims	Vienna
14-15	UN Regional Economic Commission	Economic and Social Commission for Africa (ECA)	Addis Ababa

September		comprising experts from all sub-regions	
September TBA	UN Regional Economic Commission	Economic and Social Commission for Western Asia (ESCWA) with the League of Arab States	TBA
September TBA	Regional Consultative Process	Almaty Process on Refugee Protection and International Migration: 4 th Senior Officials Meeting TBD	Bishkek
October 2017			
2 October	Multi-stakeholder hearing (full day)		Geneva
3-4 October	Sixth Thematic Session	Irregular migration and regular pathways, including decent work, labor mobility, recognition of skills and qualifications, and other relevant measures	Geneva
10-11 October	Regional Consultative Process	7th Global Meeting of Chairs and Secretariats of Regional Consultative Processes on Migration "Inter-state consultation mechanisms on migration and the global compact for safe, orderly and regular migration"	Geneva
Second Half of 2017 (TBC)	Regional Consultative Process	Migration Dialogue from the Common Market for Eastern and Southern Africa Member States (MIDCOM)	TBA
Second/Third quarter of 2017 (TBC)	Regional Consultative Process	Migration Dialogue for Southern African (MIDSA): Ministerial Meeting	Swaziland
TBC	Regional Consultative Process	Migration Dialogue for West Africa (MIDWA)	TBA
TBC	Regional Consultative Process	5+5 Dialogue on Migration in the Western Mediterranean: 8 th Ministerial Conference on Migration in the Western Mediterranean	Rabat
TBC	Regional Consultative Process	Regional Conference on Migration (RCM): Vice Ministerial Meeting	TBA
TBC	Regional Consultative Process	Intergovernmental Consultation on Migration, Asylum and Refugees (IGC) Workshop on international	Geneva

		engagement on migration: "Process and substantive aspects of the discussions and negotiations on the two Global Compacts on refugees and migration, developments in the GFMD"	
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PHASE II – STOCKTAKING

November 2017			
6-8 November	UN Regional Economic Commission	Economic and Social Commission for Asia and the Pacific (ESCAP)	Bangkok
November TBA	UN Regional Economic Commission	Economic and Social Commission for Africa (ECA); Meeting during African Development Forum X	Addis Ababa
December 2017			
4-6 December		Preparatory stocktaking meeting	Mexico
18 December	Multi-stakeholder hearing (half day)		New York
December TBA		Release of Secretary-General's Note on the organization of work of the intergovernmental conference in 2018	New York
December TBA	Regional Consultative Process	Intergovernmental Consultation on Migration, Asylum and Refugees (IGC) Mini Full Round	Geneva
January 2018			
January TBA		Release of the chair's summary of the preparatory stocktaking meeting	New York
January TBA		Release of Secretary-General's Report	New York
January TBA		Conclusion of negotiations for the modalities resolution on the intergovernmental conference to adopt a global compact for safe, orderly and regular	New York

		migration	
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PHASE III – INTERGOVERNMENTAL NEGOTIATIONS		
February 2018		
February TBA	Release of the zero draft of the global compact by the co-facilitators	New York
February TBA	Multi-stakeholder hearing (half day) following release of the zero draft	New York
February 3 days TBA	Intergovernmental negotiations on the global compact	New York
March 2018		
March 4 days TBA	Intergovernmental negotiations on the global compact	New York
April 2018		
April 4 days TBA	Intergovernmental negotiations on the global compact	New York
April TBA	Multi-stakeholder hearing (half day)	New York
May 2018		
May 5 days TBA	Intergovernmental negotiations on the global compact	New York
June 2018		
June 5 days TBA	Intergovernmental negotiations on the global compact	New York
June TBA	Multi-stakeholder hearing (half day)	New York
July 2018		
July 5 days TBA	Intergovernmental negotiations on the global compact	New York
September 2018		
September - TBA	Intergovernmental Conference to adopt the global compact	TBA

*Discussions with UNECE member states are still ongoing regarding consultations in the region.

As of 12 April 2017



Issue Brief #1

Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance

Introduction

Migration can be a safe, positive and empowering experience for many migrants and can generate economic, social and cultural benefits for societies in countries of origin, transit and destination.¹ However, many migrants currently face severe human rights violations in countries of origin, transit and destination, especially along irregular migratory routes, not least due to the lack of human rights-based systems of migration governance at the local, national, regional and global levels, especially in countries experiencing crisis.²

The international legal framework represents the foundation upon which a global compact on safe, orderly and regular migration should be built. A global compact which is above all people-centred, human rights-based and gender-responsive would ensure both social inclusion and alignment with the overarching aim of the 2030 Agenda for Sustainable Development to “leave no one behind” and to “reach those furthest behind first” (para 4) as well as the goal of reducing inequalities (Sustainable Development Goal (SDG) Target 10.7 on safe, orderly and regular migration), and promoting decent work for migrant workers, particularly women migrants, (SDG Target 8.8).

Member states have a wide range of obligations arising from all core international human rights instruments to promote, protect and fulfil the human rights of all individuals within their territory and subject to their jurisdiction, including all migrants³. Other obligations arise from international law, more broadly, for example international labour and humanitarian law, and the law of the sea.

In the New York Declaration, UN Member States reaffirmed and committed to fully protect the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, as rights holders, and in full respect for international human rights law and other relevant standards (paragraphs 5 and 41). They also strongly condemned acts and manifestations of racism, racial discrimination, xenophobia and related intolerance against migrants, and the stereotypes often applied to them, including on the basis of religion or belief (para 14). UN Member States also pledged to combat with all the means at their disposal the abuses and exploitation suffered by countless migrants in vulnerable situations, and to address their special needs in accordance with obligations under international law (para 10 and 23).

¹ Note that this issue will be elaborated in more detail in the informal thematic session on contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits.

² Migrants in Countries in Crisis Initiative, <https://micicinitiative.iom.int/how-does-initiative-define-%E2%80%98crisis%E2%80%99>.

³ In the absence of a universal legal definition, OHCHR has defined “international migrant” as “any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence”. See OHCHR Recommended Principles and Guidelines on Human Rights at International Borders (2014).

Trends

Much of the world's migration is safe and regular⁴; the majority of the 244 million international migrants recorded in 2015⁵ seek employment opportunities abroad⁶. While difficult to measure given its clandestine nature, estimates indicate that there were 50 million international irregular migrants in 2010⁷, while the data on the impact of irregular migration is lacking. However, as expressed in the New York Declaration, migrants have overwhelmingly made positive economic and social contributions to their countries of destination and origin, while also addressing challenges of demographic imbalances and labour shortages. The Sustainable Development Agenda has reaffirmed the growing recognition that such safe and regular means of migration are the best avenues to reap the benefits of migration for both countries and migrants, as also evidenced in the SDGs.

However, the data on unsafe migration and its implications for human rights is troubling. Since 2014, more than 20,160 women, men and children have lost their lives along migratory routes across the globe. During 2016, 7,763 migrants were reported dead or missing en route, and countless others were never reported or found.⁸ As shocking as these figures are, that we do not know for sure how many people are dying on perilous migratory routes compounds the concern. Such an absence of data and subsequent indicators characterises much of the debate and indeed policy-making on migration. Further, when data are available, they are rarely indicative of human rights circumstances. This lack of data on the rights of migrants risks concealing exclusion, making it difficult to dismantle patterns of discrimination.

Many migrants, notably those in an irregular situation, move, live and work on the edge, disproportionately vulnerable to discrimination, exploitation and marginalization with reduced, or non-existent, means of redress. The vulnerability of migrants to abuse, exploitation and exclusion is exacerbated by too few legal avenues for migration, including for family reunification, study, humanitarian considerations and labour at all skills levels. Despite evidence that regularization can be an effective means to address migrant vulnerability, and to ensure the inclusion of migrants in society, this pathway is used too infrequently.

Further, human rights violations against migrants are often linked to deep-seated attitudes of prejudice and xenophobia. What has accelerated negativity towards migrants is the perception of an increased influx of irregular migration, combined with the lack of trust in state capacities to deal with such influxes. Recent years have witnessed a resurgence of xenophobic attitudes and violence towards foreigners, as migrants become scapegoats for fears about terrorism, crime, unemployment, the viability of welfare systems and even the integrity of national culture and identity. But the vast majority of these claims are built on misperceptions, prejudice and fear, rather than grounded in evidence. While migration can bring economic challenges in the near term⁹, economic research demonstrates how migrants tend to complement rather than compete with citizens in the labour market, generating greater overall productivity.¹⁰ The available evidence also shows that migrants tend to commit fewer crimes than native-born populations and that immigration is not linked to increased crime rates.¹¹ The common notion that migrants are an unjust burden on health, education

⁴ In Safety and Dignity: addressing large movements of refugees and migrants; A/70/59, paragraph 87

⁵ DESA, Trends in International Migration, 2015:

http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf

⁶ ILO Global Estimates on Migrant Workers, 2015, http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf

⁷ IOM Global Migration Trends Factsheet, 2015: http://publications.iom.int/system/files/global_migration_trends_2015_factsheet.pdf

⁸ IOM, Missing Migrants Project, available at: <https://missingmigrants.iom.int/>.

⁹ Report of the Special Representative of the Secretary-General on Migration, "The Sutherland Report", A/71/278.

¹⁰ Mette Foged and Giovanni Peri, "Immigrants' effect on native workers: new analysis on longitudinal data", Institute for the Study of Labour discussion paper, No. 8961, 2015.

¹¹ See for example Robert Adelman et. al, *Urban crime rates and the changing face of immigration: Evidence across four decades*, Journal of Ethnicity in Criminal Justice, Volume 15, 2017 (Issue 1).

and other social services is challenged by evidence that migrants contribute more in taxes and social contributions than they receive in benefits.¹²

Issues

a. Protecting the human rights of all migrants: access to justice; detention; the wellbeing of children

Migrants often face a range of barriers to access justice, including in national courts, tribunals and monitoring and complaints mechanisms. Such barriers may include a lack of local language skills, limited information about their rights and means of redress, restrictions on movement including detention, fragmentation of different rights across various judicial and non-judicial mechanisms, a lack of guarantees for due process, a lack of access to a competent lawyer or interpreter, lack of legal aid and lack of legal status or identity.¹³

Migrants in an irregular situation often face additional legal and practical barriers that undermine their rights and freedoms, rendering them disproportionately vulnerable to discrimination, marginalization and abuse. A lack of "firewalls" between immigration enforcement and public services is an important barrier in this regard. While irregular entry and stay may constitute administrative offences, they are not crimes per se against persons, property or national security.¹⁴ Without prejudice to the sovereign prerogative to order their removal, the very presence of such migrants under their jurisdiction places certain obligations on national authorities, including the primary obligation to acknowledge their presence and accept their right to claim rights.¹⁵

Detention of irregular migrants is increasing around the world, alongside states stepping up returns and readmissions of migrants in irregular situations to their countries of origin.¹⁵ Far from being used as a last resort, immigration detention is often routine and, in some cases, mandatory. In many cases, procedural safeguards for such detention are fewer than for criminal detention, including a lack of measures to determine the arbitrariness of arrest and continued detention. Migrants may be exposed to poor conditions in detention, including space, food, water and sanitation. Migrants in detention often suffer violence, including sexual and gender-based violence, and a deterioration in their physical and mental health. Whatever the objective of detention, the evidence is clear that it does not offer a form of deterrence¹⁷, given the high numbers of people who migrate again following unsustainable return, often in more perilous conditions.¹⁸ Evidence also shows that migrants are less likely to violate immigration procedures if their basic needs are met through legal avenues, they are not at risk of detention or refoulement, and they can remain hopeful regarding future prospects.¹⁹

While there is a lack of data on how many children are detained globally, estimates indicate that hundreds of thousands of children are currently detained on immigration grounds.²⁰ Further, evidence

¹² See OECD, *Is Migration Good for the Economy?*, May 2014, available at: <http://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf>.

¹³ For a more detailed discussion, see A/71/285, para. 80.

¹⁴ Committee on Migrant Workers, general comment No. 2 (2013), para 24.

¹⁵ Statement by the Committee on Economic, Social and Cultural Rights, Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights, para. 11.

¹⁶ International Detention Coalition, *Does Detention Deter?*, Briefing Paper, April 2015, available at: http://idcoalition.org/wp-content/uploads/2015/04/Briefing-Paper_Does-Detention-Deter_April-2015-A4_web.pdf.

¹⁷ A/HRC/31/35

¹⁸ Mitchel, Grant, Sampson, Robyn, *Journal on Migration and Human Security*, "Global trends in immigration detention and alternatives to detention: practical, political and symbolic rationales", 2013; and De Genova, N.; Peutz, N. (eds.) *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. (2010).

¹⁹ Note that these issues related to the governance of international borders and returns will be elaborated in more detail in the informal thematic session on International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration. Also see Emily Bowerman, *Risks encountered after forced removal: the return experiences of young Afghans*, *Forced Migration Review* Issue 54, February 2017.

²⁰ International Detention Coalition, "There are alternatives: a handbook for preventing unnecessary immigration detention," 2011, p. 007

shows that even short periods of detention are extremely harmful for children.²¹ There is growing international consensus that detention constitutes a child rights violation and always contravenes the principle of the best interests of the child.²²

b. Ensuring social inclusion and cohesion in the context of migration

Ensuring inclusion, protecting rights and valuing the contributions of migrants are essential aspects of building cohesive societies. In this respect the conditions of inclusion for migrants should be defined by the international human rights framework, including protection of their economic, social and cultural rights, in particular education, health, social security, and adequate housing.²³ The inclusion of migrants leads to better outcomes for society as a whole. While policies of criminalization and exclusion are unlikely to be an effective deterrent to irregular migration, they *are* liable to produce widespread and harmful consequences, not only for the human rights and well-being of individual migrants, but also for social inclusion and relations between host communities and migrants in society. This in turn can contribute to ongoing negative narratives about migrants.

Being and staying healthy is a fundamental right of every human being, and is an essential precondition for all people to work, be productive, contribute to economic and social development in both countries of origin and destination, and improve livelihoods. Yet, many migrants lack access to equitable social and health services and financial protection for health. They are frequently subject to discrimination on the basis of their nationality, gender, migratory or health status. Other barriers to accessing health services include high costs, language and cultural differences, administrative hurdles, the inability to affiliate with local health financing schemes, and a lack of information about health entitlements. While migrants do not disproportionately bring disease as they begin their journeys, the conditions they face in transit and in destination countries can contribute to ill health.

Barriers to migrants having access to adequate housing as well as to education and to social security have similarly pernicious effects on social inclusion and cohesion. For instance, even where the universal right to education is recognized in law, its implementation is inconsistent. Millions of migrant children around the globe, including in high-income countries, spend years out of school or never get a formal education. Migrants also face difficulties obtaining adequate housing due to lack of information, cultural/linguistic barriers or other barriers stemming from legal status. Yet, migrants' access to education and housing on an equal basis with nationals, regardless of migration status, is essential to challenging discrimination, exclusion and xenophobia against migrants.

Many international migrants work in isolated and largely unregulated sectors such as agriculture, hospitality and domestic work, which are characterized by poor working conditions, and in jobs which, in many countries, have been largely deserted by national workers; all these factors exacerbate their exclusion from society. Migrant children, especially those in an irregular situation, are particularly vulnerable to child labour and other forms of exploitation.²⁴

c. Confronting all forms of discrimination, including racism, xenophobia and intolerance against migrants

Messages of xenophobia have increasingly permeated political movements and media in many countries, resulting in a climate of rising violence against migrants and ethnic and religious minorities, fuelled in some cases by government policies and practices. There has also been a rise in the use of demeaning, commodifying or sweeping language to describe migrants; the false attribution of criminality or of negative social characteristics; and even more problematic and violent language

²¹ L. Briskman, D. Zion and B. Loff. 2010. Challenge and collusion: health professionals and immigration detention in Australia. *The International Journal of Human Rights* 14(7): 1092–1106.

²² OHCHR press release, “Children and families should never be in immigration detention – UN experts”, 14 December 2016.

²³ OHCHR, *The economic, social and cultural rights of migrants in an irregular situation*, 2014, available at: http://www.ohchr.org/Documents/Publications/HR-PUB-14-1_en.pdf.

²⁴ This issue will be further elaborated in the context of the informal thematic session on ‘Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications, and other relevant measures’.

that could directly incite hatred against migrants. Negative public attitudes towards migrants result in barriers to their social inclusion, challenges policy-making to protect and assist them and requires a high degree of political will and social insight to address.

Migrants' fear of exposure and possibly detention and deportation if they confront xenophobia, racism and intolerance, including through outreach to police authorities, is also a key barrier. Many will not report crimes, including hate crimes, for fear of repercussions or simply out of distrust of authority. For the same reasons, others will not access medical services following bias-motivated attacks. Even when migrants do bring complaints, existing justice processes may be ineffective because of linguistic and cultural barriers. Migrants may be more exposed to biased law enforcement, harsher sentencing, custodial segregation and discriminatory decision-making.

d. Addressing the specific needs and guaranteeing the human rights of migrants in vulnerable situations

Although they fall outside the specific legal protections afforded to refugees, many migrants are nonetheless in vulnerable situations and entitled to a heightened duty of care by the State precisely because they may need particular attention to be paid to the respect, protection and fulfilment of their human rights.

The concept of a "migrant in a vulnerable situation" refers to a range of factors that are often intersecting, can coexist simultaneously and can influence and exacerbate each other. Situations of vulnerability may change over time as circumstances change or evolve. Crises within countries can further exacerbate some of the factors having an impact on the conditions of vulnerability of migrants. These factors could relate to

- i) Migrants' reasons for leaving their place of origin, i.e. the drivers of "non-voluntary" precarious movements, such as extreme poverty, lack of access to human rights such as education, health, and decent work or the adverse effects of climate change and environmental degradation²⁵;
- ii) The circumstances that they encounter en route, at borders and at destination, such as violence including sexual and gender-based violence, abuse and exploitation, hunger, lack of personal security or of access to essential health services; and/or
- iii) A particular aspect of their identity or circumstance such as age or gender, sexual orientation and gender identity, religion, health or disability status.²⁶

Analysing and exploring the parameters and limits of such situational and/or embodied vulnerability presents an opportunity to understand the diversity of migratory experiences and to provide law, policy and practice responses which are designed to protect their human rights.

Migrant women and girls in vulnerable situations and at particular risk include pregnant women, new or breastfeeding mothers, lesbians and bisexual, transgender and intersex women, older women and women with disabilities. Many children in the context of migration are invisible and extremely vulnerable; they are not formally registered with the child protection authorities, best interest assessment and determination procedures are rarely carried out in decisions related to migrant children who are outside the asylum context, and guardianship procedures are often lengthy or non-functional. For children born in a migratory context, there may be a risk of statelessness due to the additional hurdles they may face in establishing their nationality. Many migrants in vulnerable situations are exposed to ill-health and migrants with pre-existing chronic health conditions

²⁵ The New York Declaration for Refugees and Migrants emphasizes in addition that many people move for a combination of these reasons (para. 1).

²⁶ OHCHR report on the promotion and protection of the human rights of migrants in the context of large movements, /HRC/33/67, para 15. See also GMG, Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations (draft), available at: <http://www.ohchr.org/EN/Issues/Migration/Pages/Draftsforcomments.aspx>.

experience interruptions in their care when they move without medicines or health records and encounter barriers in accessing health services.

Ways forward

To remain true to the promise of the New York Declaration, the global compact should strive to foster a human rights-based approach to migration, premised on the principles of universality, indivisibility and interdependence, participation, non-discrimination and accountability.²⁷

The first step towards ensuring migration policies that are grounded in human rights norms and standards is to ratify and implement all international and regional human right instruments and related conventions, and to reaffirm in policy and practice the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants. Where migration policies and measures reinforce and contribute to a logic of exclusion and criminalisation of migrants, this in turn can exacerbate xenophobic stereotypes and actions.

Effective protection and inclusion of migrants will depend on ensuring that societies as a whole are invested in the success of this endeavour. This necessitates policy considerations for host communities that are, in some cases, facing a plight similar to that of migrants in terms of social exclusion or poverty. Therefore policies related to migration, including those related to inclusion and non-discrimination of migrants as well as those directed to respecting, protecting and fulfilling their human rights, must include the participation of all actors with a stake in the outcome, including local governments, trade unions, employers' organizations, national human rights bodies, private sector, recruitment agencies, security and justice service providers, civil society and youth organizations and migrants themselves (including representative groups of migrant women and children).

Protecting the right to information is a key element of empowerment for all migrants; enabling them to access relevant information and support, in a language and format they understand, can harness their ability to make informed decisions and claim their own rights, including through effective access to justice.

To ensure that their migration policies are not creating inequalities or otherwise obstructing the enjoyment of human rights, and to encourage safe, regular, human rights-based and gender-responsive migration policies, States should monitor the effects of these policies and actions through gathering disaggregated data (at a minimum by age, sex and migratory status) in line with confidentiality and data protection principles.²⁸

In working towards the compact, there will be no avoiding discussions on the treatment of migrants in irregular situations. In this regard, it is important to keep in mind that irregularity enhances vulnerability and that therefore human rights protection must lie at the heart of policy options considered in addressing this phenomenon.

Commitments

The following represent a non-exhaustive set of practical and action-oriented commitments, in line with the New York Declaration and the Sustainable Development Agenda, that could be made by States and other stakeholders within the global compact:

1. Strengthen or establish official mechanisms to monitor, investigate and ensure accountability for human rights violations and abuse of migrants, and ensure that all migrants have equal and effective access to justice and effective remedies.

²⁷ See Report of the Secretary-General A/68/292, para. 12

²⁸ See Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health.

2. Review policies that criminalize cross-border movements, and establish a presumption against immigration detention in law including through legally prescribing human rights-compliant, non-custodial, community-based alternatives to detention.
3. Establish national action plans for the elimination of child immigration detention involving government authorities, civil society, and other relevant actors, including children themselves. Provide guidance on the practical operationalization of the principle of the best interests of the child for all migrant children. Establish safeguards to avoid the separation of children from their parents or caregivers, and automatically refer the care of unaccompanied migrant children to child protection authorities.
4. Ensure all migrants have access to universal health coverage on the basis of non-discrimination, including financial risk protection, access to quality essential health-care services and safe, effective quality and affordable essential medicines and vaccines. Special attention should be given to those with specific health needs such as those with communicable diseases including HIV and those who are in need of sexual and reproductive, occupational, mental and psychosocial health care.
5. Ensure that no child in the context of migration is left behind in timely accessing quality education.
6. Develop and implement clear and binding procedures and standards on the establishment of “firewalls” between immigration enforcement and public services at all levels, in the fields of access to justice, housing, health care, education, social protection and social and labour services for migrants
7. Commit to establishing partnerships with political leaders and parties, media, private sector, local communities, trade unions and other public actors, to promote tolerance, and respect for all migrants, regardless of their status. Introduce public education measures, child rights education programs and education curricula, and conduct targeted awareness campaigns in order to combat prejudice against and the social stigmatization of migrants. Support the UN TOGETHER initiative which promotes respect, safety and dignity for all migrants.
8. Promulgate robust anti-discrimination and equality legislation that protects migrants from all forms of discrimination including on grounds of nationality or migrant status, establish national specialized bodies in this respect, and develop benchmarks for the elimination of xenophobia against migrants. Provide accessible legal, medical, psychological and social assistance to migrants affected by racism, xenophobia and intolerance. Guide anti-discrimination and integration policies based on migrants’ experiences and testimonies.
9. Develop guidelines and implement agreements with national human rights protection bodies, legal aid and service providers and other relevant actors to ensure timely and effective screening and referrals for migrants in vulnerable situations. Such procedures should as relevant be prior to, apart from, or alongside assessments to establish an asylum claim.
10. Ensure meaningful human rights protection of all migrants in vulnerable situations, establish a common conceptual understanding of migrants in vulnerable situations, and in this regard commit to implement the results of a state-led process to develop non-binding principles and voluntary guidelines, as called for in paragraph 52 of the New York Declaration, drawing upon the comprehensive guidance provided in the Global Migration Group’s draft *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations* as well as other related initiatives such as the Migrants in Countries in Crisis and the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change resulting from the Nansen Initiative.